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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,388	09/27/2000	Michael Ginsberg	MS150832.2	6789
27195	7590*	09/06/2006	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			ZIA, SYED	
		ART UNIT	PAPER NUMBER	2131

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/671,388	GINSBERG, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 June 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 7-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on June 27, 2006. Original application contained Claims 1-20. Applicant previously amended Claims 1-3, 6-12, and 15-17, and cancelled claim 6. Applicant currently amended Claims 14, and 5. Applicant amendments filed on June 27, 2006 have been entered and made of record. Therefore, presently pending claims are 1-5, and 7-20.

### ***Response to Arguments***

Applicant's arguments filed November June 27, 2006 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, 10, and 12 applicants argued that “as can be ascertained from a cursory review of Gupta, the cited reference does not disclose, teach, or suggest regulating access of an application to a distributed computing platform as is recited in the subject claims. Gupta discloses regulating a user's access to a data object; nowhere in Gupta is there a mention of a distributed computing platform, much less an application that requests access to a distributed computing platform. Distributed computing enables a process to run a single computational task on more than one distinct computer - thus, a distributed computing platform is a system that facilitates distributed computing. Gupta is not even tangentially related to distributed computing, and thus does not disclose regulation of access to a distributed computing platform as claimed”.

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Applicant further argued, "Moreover, Gupta clearly fails to disclose a first module called by an application, much less determining a trust level for the first module. Rather, Gupta teaches that a user requests access to a data object, wherein the user can have predefined relationships with the object that are associated with certain access rights (e.g., due to a role of the user). It is readily apparent, however, that the user is not an application, and that the user does not call a module. Moreover, even if the user is deemed to be an application, such user is not requesting access to a distribute computing platform, but rather is requesting access to a data object.

This is not found persuasive. The system of Gupta clearly teaches and describes a system and method where database access control in client-server network e.g. LAN, and involves determining security classification for relationship between user and data object, based on which user access to data object is granted or denied. The security classification provided for the relationship between user and data object and security classification of the object are analyzed, upon object access request from user. When the level of security classification for the relationship is higher than that of data object, access to data object is granted for performing function provided by user access right, else access is denied. In the system of Gupta the data objects have vertical relationship defined by parent and child data object, where child object has more restrictive security classification. A data folder is created for every vertical relationship (col. 9, line 65 to col.11 line 23, and col.7 line 64 to col.8 line 36).

Therefore, the system of Gupta teaches controlling access, and provides an access regulation system that can analyze and interact with a computing environment. Therefore, the examiner asserts that the system of cited prior arts does teach or suggest the subject matter broadly recited in independent Claim 1, 10, and 12, and in subsequent dependent

Claims 2-9, 11, and 13-20. Accordingly, rejections for claims 1-5, and 7-20 are respectfully maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, and 7-20 are rejected under 35 U.S.C. 102(e) as being anticipate by Gupta (U.S. Patent No. 6,990,492).

2. As per claims 1, 10, and 12, Gupta teaches the claimed system or method for regulating access to a distributed computing platform (see Figure 7-9B), comprising:

a component that analyzes an application that requests access to the distributed computing platform, the component determines a level of access to the distributed computing platform and applies a trust level to the application corresponding to the determined level of access, and a component that compares the applied trust level of the application with a trust level of a module called by the application and regulates access of the application to the distributed computing platform based at least in part upon the comparison (col. 9, line 65 to col.11 line 23).

3. Claims 2-9, 11, and 13-20 are rejected applied as above rejecting Claims 1, 10, and 12.

Furthermore, Gupta teaches and describes controlled access mechanism, wherein:

As per claims 2 and 19, the component that analyzes the application inherently provides for inheritance of the trust level in the distributed computing environment (col.7 line 1 to line 30, and col.8 line 40 to line 67).

As per claims 3 and 13, the component that analyzes the application provide for marking the application with at least one of states: (1) fully trusted, (2) run restricted, and (3) fail to load, can be implemented by a person of ordinary in the art without departing from the spirit and scope of the invention since the authentication service in Anglin's system can perform this function (col. 7 line 64 to col.8 line 36).

As per claim 4, the component that analyzes and the component that compares are stored in a ROM in the platform (Fig.6 col.8 line 29 to line 36, and col. 11 line 23 to line 34).

As per claim 5, the component that analyzes and the component that compares are part of an operating system platform (Fig.6 col.8 line 29 to line 36, and col. 11 line 23 to line 34).

As per claim 7, the functionality of one or more Application Programming call Interface (API) calls, when called by the module, can also be selectively restricted depending on which authentication service is used to indicate the level of access or trust (col. 3, line 40 to line 63).

As per claims 8-9, and 16, wherein selectively restricting the functionality of one or more API calls includes restricting the functionality to read functions, and terminating the application (Fig.6, col. 9 line 15 to line 45).

As per claim 11, applying the trust level to one or more modules called by the application since the authentication service in Gupta is also used in a distributed computing environment (col. 6, line 48 to line 67).

As per claim 14, the trust level for the first module further comprises transmitting the first module to a verification program (col7, line 32 to col.8 line 35).

As per claim 15, wherein regulating access to the distributed computing platform comprises selectively abort calls made to one or more APIs (column 10, line 24 to line 36).

As per claims 17 and 18, for applying the trust level to regulate access to the platform (distributed computing environment) is stored in a ROM in the platform, and trust level may be inherited (Fig.6 and col.8 line 24 to line 36 and col.11 line 23 to line 34).

As per claim 20, trust level may be applied to one or more second modules called by the first module (col.6 line 10 to line 45).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz

August 23, 2006